

IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION

UNITED STATES OF AMERICA)	
)	
v.)	CR. NO. 2:06cr215-MEF
)	
ALBERTO VILLAREAL)	

**GOVERNMENT’S MOTION FOR DOWNWARD DEPARTURE AND
CERTIFICATION OF SUBSTANTIAL ASSISTANCE PURSUANT TO § 5K1.1**

COMES NOW the United States of America, by and through Leura G. Canary, United States Attorney for the Middle District of Alabama, and files the above-captioned motion, and as reasons therefore, submits the following:

1. Defendant entered a plea of guilty to an indictment charging a violation of Title 21, United States Code, Section 846, pursuant to a plea agreement.
2. In consideration for his plea of guilty, the Government offered Defendant the opportunity to cooperate with law enforcement, in exchange for a possible reduction in his sentence under U.S.S.G. § 5K1.1 and 18 U.S.C. § 3553(e).
3. Defendant accepted the Government’s offer and has already provided detailed information to federal and state law enforcement officers regarding his participation in an illegal drug distribution conspiracy that took place in the Middle District of Alabama and the Western District of Texas.
4. In addition to the information he provided, Defendant cooperated with the Government in prosecuting two of his co-conspirators by testifying at length against them during their trial.
5. The Government considers the assistance provided by Defendant to be substantial and accordingly moves this Court to reduce Defendant’s applicable offense level by four (4) levels under U.S.S.G. § 5K1.1.
6. Pursuant to the provisions of U.S.S.G. § 5C1.2, the Government further moves this Court to impose a sentence at the low end of the applicable guidelines range, without regard to any minimum sentence mandated by statute. Defendant does not have more than 1 criminal history point; he did not use violence, credible threats of violence, or a firearm or other dangerous weapon in connection with his offense; the offense did

not result in death or serious bodily injury to any person; he was not an organizer, leader, manager, or supervisor of others in the offense; and the Government believes that he has truthfully provided all of the information and evidence he has concerning the course of conduct that gave rise to his offense.

Respectfully submitted this the 12th day of May, 2008.

LEURA G. CANARY
UNITED STATES ATTORNEY

/s/ Nathan D. Stump
NATHAN D. STUMP
Assistant United States Attorney
131 Clayton Street
Montgomery, AL 36104-3429
Tel: (334) 223-7280
Fax: (334) 223-7560
Email: nathan.stump@usdoj.gov

IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION

UNITED STATES OF AMERICA)	
)	
v.)	CR. NO. 2:06cr215-MEF
)	
ALBERTO VILLAREAL)	

CERTIFICATE OF SERVICE

I, Nathan D. Stump, Assistant United States Attorney, hereby certify that on this the 12th day of May, 2008, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, which will automatically serve a copy upon all counsel of record, including Christine A. Freeman, Esq., counsel for Defendant.

Respectfully submitted,

/s/Nathan D. Stump
NATHAN D. STUMP
131 Clayton Street
Montgomery, AL 36104
Phone: (334)223-7280
Fax: (334)223-7135
E-mail: nathan.stump@usdoj.gov